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14455 NORTH HAYDEN ROAD  
SUITE 219  
SCOTTSDALE, AZ 85260

EXAMINER
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RETTA, YEHDEGA

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* JAMES BLADEL

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Appeal 2016-004147  
Application 12/757,866<sup>1</sup>  
Technology Center 3600

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Before BRUCE R. WINSOR, MICHAEL J. STRAUSS, and  
MICHAEL J. ENGLE, *Administrative Patent Judges*.

WINSOR, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from the final rejection of claims 1–3, 5–8, 10, 12–20, 22, and 24–26, which constitute all the claims pending in this application.<sup>2</sup> We have jurisdiction under 35 U.S.C. § 6(b). Claims 4, 9, 11, 21, and 23 are cancelled. Br. at Claims App’x.

We affirm-in-part.

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<sup>1</sup> The real party in interest identified by Appellant is Go Daddy Operating Company, LLC. Br. 1.

<sup>2</sup> The Examiner lists claim 21 as rejected (Final Act. 1); however, claim 21 is cancelled (Br. at Claims App’x).

## STATEMENT OF THE CASE

Appellant's disclosed invention relates "to online advertising and, more particularly, . . . [to] enabling Uniform Resource Locator (URL) shortening based online advertising." Spec. ¶ 3. Claims 1 and 15, which are illustrative, read as follows:

1. A method, comprising the steps of:  
  
receiving from a user, by at least one server computer communicatively coupled to a network, a request to shorten a uniform resource locator resolving to a first network resource stored on a second server computer, said request comprising said uniform resource locator;  
  
retrieving at least a portion of said first network resource from said second server computer using said uniform resource locator resolving to said first network resource;  
  
parsing, by at least one of said at least one server computer, said uniform resource locator or said first network resource into at least one keyword; transmitting, by at least one of said at least one server computer, at least one of said at least one keyword to an online advertisement provider;  
  
receiving, by at least one of said at least one server computer, at least one online advertisement from said online advertisement provider, wherein said at least one online advertisement is relevant to said at least one keyword; generating, by at least one of said at least one server computer, a second network resource comprising said at least a portion of said first network resource retrieved from said second server computer and at least one of said at least one online advertisement;  
  
storing, by at least one of said at least one server computer, said second network resource on a storage device accessible to said at least one server computer;

generating, by at least one of said at least one server computer, a shortened resource locator resolving to said second network resource stored on said storage device accessible to said at least one server computer, said shortened resource locator not resolving to said first network resource; and

transmitting, by at least one of said at least one server computer, said shortened resource locator to said user.

15. A method, comprising the steps of:

receiving from a user, by at least one server computer communicatively coupled to a network, a request to shorten a uniform resource locator resolving to a first network resource stored on a second server computer, said request comprising said uniform resource locator;

parsing, by at least one of said at least one server computer, said uniform resource locator or said first network resource into at least one keyword;

generating, by at least one of said at least one server computer, at least one online advertisement relevant to said at least one keyword;

generating, by at least one of said at least one server computer, a second network resource comprising said first network resource and at least one of said at least one online advertisement;

storing, by at least one of said at least one server computer, said second network resource on a storage device accessible to said at least one server computer;

generating, by at least one of said at least one server computer, a shortened resource locator resolving to said second network resource; and

transmitting, by at least one of said at least one server computer, said shortened resource locator to said user.

The Examiner relies on the following prior art in rejecting the claims:

Joao	US 2001/0037205 A1	Nov. 1, 2001
Kolsy	US 2003/0163372 A1	Aug. 28, 2003
Galai et al.	US 2005/0267872 A1	Dec. 1, 2005
Zhou et al.	US 2007/0136279 A1	June 14, 2007
Sarukkai et al.	US 2009/0017804 A1	Jan. 15, 2009

Nicole Lee, *10 links to shorten your links*, CNET News (Mar. 20, 2008), [http://news.cnet.com/8301-17939\\_109-9898698-2.html](http://news.cnet.com/8301-17939_109-9898698-2.html), accessed Oct. 16, 2012.

Claims 1–3, 5–8, 10, 12–20, 22, and 24–26 stand rejected under 35 U.S.C. § 112, first paragraph,<sup>3</sup> as failing to comply with the written description requirement. *See* Final Act. 2–3.

Claims 1–3, 5–8, 10, 12–20, 22, and 24–26 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter, i.e., an abstract idea. *See* Final Act. 3–4.

Claims 1–3, 5, and 15–17 stand rejected under 35 U.S.C. § 103(a)<sup>4</sup> as being unpatentable over Galai et al. (“Galai”), Nicole Lee (“Lee”), and Sarukkai et al. (“Sarukkai”). *See* Final Act. 4–9.

Claims 6, 7, 18, and 19<sup>5</sup> stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Galai, Lee, Sarukkai, and Kolsy. *See* Final Act. 9–10.

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<sup>3</sup> Re-codified as § 112(a).

<sup>4</sup> All prior art rejections are under the provisions of 35 U.S.C. in effect prior to the effective date of the Leahy-Smith America Invents Act of 2011. Final Act 2.

<sup>5</sup> The summary ground of rejection lists claims 8 and 20 as rejected over Galai, Lee, Sarukkai, and Kolsy. Final Act. 9. However, a detailed ground of rejection is only provided rejecting claims 8 and 20 over Galai, Lee, Sarukkai, and Joao.

Claims 8 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Galai, Lee, Sarukkai, and Joao. *See* Final Act. 10.

Claims 10 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Galai, Lee, Sarukkai, and Zhou et al. (“Zhou”). *See* Final Act. 10.

Claims 12–14 and 24–26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Galai, Lee, Sarukkai, and Official Notice. *See* Final Act. 11.

Rather than repeat the arguments here, we refer to the Appeal Brief (“Br.” filed Aug. 24, 2015) and the Specification as amended (“Spec.” filed Apr. 9, 2010, amended May 16, 2012) for the positions of Appellant and the Final Office Action (“Final Act.” mailed Mar. 11, 2015) and Examiner’s Answer (“Ans.” mailed Jan. 6, 2016) for the reasoning, findings, and conclusions of the Examiner.

#### PETITIONABLE MATTERS

Appellant alleges the Final Office Action fails to answer Appellant’s arguments made during prosecution, as required by MPEP § 707.07(f). Br. 8. This Board is empowered to “review adverse *decisions* of examiners upon applications for patents.” 35 U.S.C. § 6(b)(1) (emphasis added); *see also* 37 C.F.R. § 41.31(a)(1). Other matters, such as whether or not the Examiner has fully responded to Appellant’s arguments during prosecution of an application, are reviewable by petition to the Director of the U.S. Patent and Trademark Office or as delegated by the Director. *See* 37 C.F.R. § 1.181 et seq. Accordingly, allegations that the Examiner has failed to

respond to the Appellant's traversals are not before us and will not be discussed further.

## ISSUES

Based on Appellant's arguments, we discuss the appeal by referring to claims 1 and 15. The dispositive issues presented by Appellant's arguments are as follows:

Does the Examiner err in finding that the limitation "receiving from a user, *by* at least *one server computer* . . . , a request to shorten a uniform resource locator resolving to a first network resource *stored on a second server computer*, said request comprising said uniform resource locator," as recited in claim 1 (emphases by Examiner (Final Act. 2)), is not described in the Specification?

Does the Examiner err in concluding that claim 1 is directed to non-statutory subject matter, i.e., an abstract idea?

Does the Examiner err in finding the combination of Galai, Lee, and Sarukkai teaches or suggests

generating, by at least one of said at least one server computer, a second network resource comprising . . . said first network resource . . . and at least one of said at least one online advertisement[, and] storing, by at least one of said at least one server computer, said second network resource on a storage device accessible to said at least one server computer [, and] generating, by at least one of said at least one server computer, a shortened resource locator resolving to said second network resource . . . , said shortened resource locator not resolving to said first network resource[.]

as recited in claim 1?

Does the Examiner err in finding the combination of Galai, Lee, and Sarukkai teaches or suggests

generating, by at least one of said at least one server computer, a second network resource comprising said first network resource and at least one of said at least one online advertisement[,] storing, by at least one of said at least one server computer, said second network resource on a storage device accessible to said at least one server computer[, and] generating, by at least one of said at least one server computer, a shortened resource locator resolving to said second network resource[,] as recited in claim 15?

## ANALYSIS

### REJECTION UNDER § 112, FIRST PARAGRAPH

The Examiner finds that claim 1 fails to meet the written description requirement of § 112, first paragraph, explaining as follows:

According to the specification (fig. 1, 7), only one server is disclosed. On fig. 9, the specification disclosed highly-distributed system embodiment wherein the different modules run on separate servers or on a single server.

The specification however does not teach receiving by one server a request to shorten a URL stored on a second server, retrieving a portion of the network resource from the second server, generating a second network resource . . . retrieved from the second server . . . storing by the second server the second network resource and generating a shortened resource locator . . . .

Final Act. 3 (ellipses in original). The Examiner further explains as follows

As indicated before the specification teaches receiving a URL 200 that may resolve to a first network resource 210, generating a shortened resource locator 300 that may be



associated with URL 200, transmitting the shortened resource locator 300 to a first user . . .

Examiner is also aware that applicant's specification teaches several servers and that a request from the user (client computer 760) to shorten a URL (a webpage having the URL 200) is received by a website (navigates to a URL shorting website 710 and cut and paste the URL 200) . . . which may cause the website to transmit an HTTP request to keyword extraction module 720 running on the server 700.

However the specification does not teach the request for the shortened resource locator (URL 200 which resolves to a first resource 210) is stored in a second server . . . and generating a second network resource comprising a portion of the first network resource retrieved from the second server computer . . .

The specification teaches the URL entered at the website 710 and the request sent to one of the servers 700 . . . but failed to include a server storing the first network resource (URL 200) and to retrieve part of the URL from the second server.

Final Act. 12 (ellipses in original); *see also* Ans. 2–6.

Appellant contends the Examiner's findings are based on incorrect claim interpretations (*see* Br. 6–7) and that the Specification, as-filed, discloses that the Appellant had possession of the invention described in claim 1 (*see id.* at 8–10; *see also id.* at 3). We agree with Appellant for the reasons stated by Appellant.

The written description requirement requires us to determine “whether the disclosure of the application as originally filed reasonably conveys to the artisan that the inventor had possession at that time of the later claimed subject matter, rather than the presence or absence of literal support in the specification for the claim language.” *In re Kaslow*, 707 F.2d 1366, 1375 (Fed. Cir. 1983) (citations omitted). Thus, “the description must ‘clearly allow persons of ordinary skill in the art to recognize that [the inventor]

invented what is claimed.” *Ariad Pharms., Inc. v. Eli Lilly & Co.*, 598 F.3d 1336, 1351 (Fed. Cir. 2010) (en banc) (quoting *Vas-Cath Inc. v. Mahurkar*, 935 F.2d 1555, 1562–63 (Fed. Cir. 1991)). “In other words, the test for sufficiency is whether the disclosure of the application relied upon reasonably conveys to those skilled in the art that the inventor had possession of the claimed subject matter as of the filing date.” *Ariad*, 598 F.3d at 1351.

[T]he [written description] test requires an objective inquiry into the four corners of the specification from the perspective of a person of ordinary skill in the art. Based on that inquiry, the specification must describe an invention understandable to that skilled artisan and show that the inventor actually invented the invention claimed.

*Id.*

[I]t is the specification itself that must demonstrate possession [of the claimed invention]. And while the description requirement does not demand any particular form of disclosure, *Carnegie Mellon Univ. v. Hoffmann-La Roche Inc.*, 541 F.3d 1115, 1122 (Fed. Cir. 2008), or that the specification recite the claimed invention *in haec verba*, a description that merely renders the invention obvious does not satisfy the requirement, *Lockwood v. Am. Airlines*, 107 F.3d 1565, 1571–72 (Fed. Cir. 1997).

*Id.* at 1352.

There seems to be no dispute that the Specification discloses the functions described in claim 1, rather the gravamen of the rejection is the Examiner’s finding that the Specification does not disclose possession of an invention wherein a request to shorten a URL comprising the URL is received by “at least one server computer” (claim 1) wherein the URL

resolves to a “first network resource,” e.g., a website, “stored on a second server computer.”

We look to Specification Figure 9 (cited at Final Act. 3), reproduced below, for guidance.

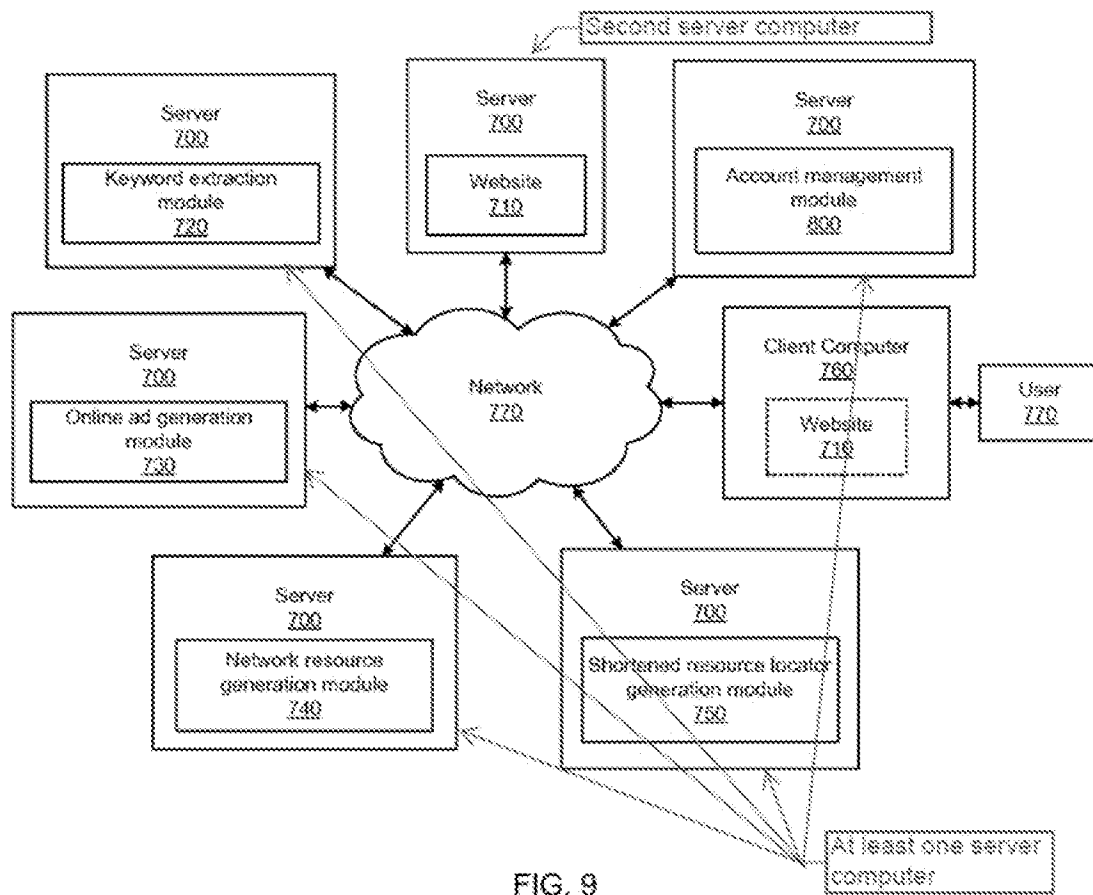


FIG. 9

Figure 9 from the Specification illustrates an embodiment of Appellant’s invention implemented on a plurality of servers (Spec. ¶¶ 15, 57) and is annotated herein to show the disclosure of the “at least one server computer” and the “second server computer.”

Figure 9 of the Specification demonstrates that Appellant had possession of an invention in which the various functions described in the Specification and illustrated in Figures 1 and 4–8 are performed on a

plurality of server computers, although each of the server computers is given the same item number (700). *See Spec.* ¶¶ 52, 57. For clarity, we will identify the various server computers of Figure 9 by appending the item number of the module shown as running on the respective server computers. We note that server 700/710 is illustrated as having website 710, which is addressable by URL 200 that resolves to a network resource 210 (*Spec.* ¶¶ 34, 50). In other words, server 700/710 comprises “a first network resource stored on a second server computer” which is addressed by a URL (i.e., the URL resolves to the website 710), as annotated above. The same URL is also received by, for example, the keyword extraction module 720 on server 700/720 and the shortened URL generation module 750 on server 700/750, which together, and collectively with servers 700/730, 700/740, and 700/800, comprise “*at least one* server computer communicatively coupled to a network [770],” as annotated above. *See Spec.* ¶¶ 50, 57. The receipt of the URL by the shortened URL generation module 750 on server 700/750, discloses that the URL received by the “at least one server computer” is included in a request to shorten the URL.

Therefore, we are persuaded the Examiner erred in finding that the limitation “receiving from a user, by at least one server computer . . . , a request to shorten a uniform resource locator resolving to a first network resource stored on a second server computer, said request comprising said uniform resource locator,” as recited in claim 1, is not described in the Specification. Accordingly, we do not sustain the rejection under 35 U.S.C. § 112, first paragraph, of claim 1 and claims 2, 3, 5–8, 10, 12–20, 22, and 24–26, which were rejected on the same basis as claim 1.

REJECTION UNDER § 101

The Examiner concludes claim 1 is directed to an abstract idea, which is non-statutory subject matter. The Examiner explains as follows:

[T]he claims are directed towards advertisement. Generating a shortened resource locator and including advertisement are fundamental economic practices and thus, the claims include an abstract idea. The claims do not include limitations that are “significantly more” than the abstract idea because the claims do not include an improvement to another technology or technical field, an improvement to the functioning of the computer itself, or meaningful limitations beyond generally linking the use of an abstract idea to a particular technological environment. Note, that the limitations, in the instant claims, are done by the generically recited computer. The limitations are merely instructions to implement the abstract idea on a computer and require no more than a generic computer to perform generic computer functions that are well-understood, routine and conventional activities previously known to the industry.

Final Act. 4; *see also id.* at 12–13; Ans. 6–7.

Appellant argues as follows:

The [Final Office Action] states that the claims are directed towards advertisement. Appellant maintains that this is a gross overgeneralization. The specification as filed includes the more accurate purpose of the invention as “systems, methods, and tools enabling Uniform Resource Locator (URL) shortening based online advertising.” [Quoting Spec. ¶ 3.] The [Final Office Action]’s 101 analysis includes a statement that “[g]enerating a shortened resource locator . . . [is a] fundamental economic practice.” [Quoting Final Act. 4.] This is an incorrect statement, and is irrational under the *Alice* standard. [Referring to *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 134 S. Ct. 2347 (2014).] URL shortening is a technological, rather than an economic practice, and cannot be performed in the head of a user or by using pencil and paper, but instead requires a specialized machine, programmed to accomplish such technological endeavors.

Br. 11 (alterations within quotation from the Final Office Action in original).  
We agree with Appellant.

Patent eligibility is a question of law that we review *de novo*. *Dealertrack, Inc. v. Huber*, 674 F.3d 1315, 1333 (Fed. Cir. 2012). To be statutorily patentable, the subject matter of an invention must be a “new and useful process, machine, manufacture, or composition of matter, or [a] new and useful improvement thereof.” 35 U.S.C. § 101. The Supreme Court has held that there are implicit exceptions to the categories of patentable subject matter identified in § 101, including (1) laws of nature, (2) natural phenomena, and (3) abstract ideas. *Alice*, 134 S. Ct. at 2355. Further, the Court has “set forth a framework for distinguishing patents that claim [1] laws of nature, [2] natural phenomena, and [3] abstract ideas from those that claim patent-eligible applications of those concepts.” *Id.* (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 132 S. Ct. 1289 (2012)). The Supreme Court’s analysis in *Alice* follows the two-part analysis set forth in *Mayo*: (1) determine whether the claim is directed to an abstract idea; and (2) if an abstract idea is present in the claim, determine whether any element, or combination of elements, in the claim is sufficient to ensure that the claim amounts to significantly more than the abstract idea itself. *See Alice*, 134 S. Ct. at 2356.

Claim 1 is directed to a “method,” i.e., a process, which is one of the four statutory classes. Following the Court’s guidance, we turn to the first step of the *Mayo/Alice* analysis to determine if the claim is directed to one of the judicial exceptions, i.e., an abstract idea.

Claim 1 is much like a claim considered by our reviewing court in *DDR Holdings, LLC v. Hotels.com L.P.*, 773 F.3d 1245, 1249–50 (Fed. Cir.

2014) (reproducing claim 19 of US 7,818,399 B1). In the present application, claim 1 is addressed to providing relevant on-line advertising in combination with the content of a requested webpage. *See* Spec. ¶ 4, Fig. 3. Like claim 1, the claim considered by the *DDR* court was addressed to combining commercial content in a webpage. Unlike the claim addressed in *DDR*, however, the insertion of relevant advertising into underlying content is a well-known business challenge, encountered, for example, in traditional ink-on-paper publishing. Therefore, claim 1 does not “address a business challenge . . . , particular to the Internet,” *id.* at 1257, and is directed to an abstract idea under *Mayo/Alice* step 1.

Nevertheless, applying *Mayo/Alice* step 2 to the claim demonstrates that claim 1 recites elements that ensure the claim amounts to significantly more than the abstract idea itself. *See Alice*, 134 S. Ct. at 2358. As with the claim considered in *DDR*, claim 1 “specifi[es] how interactions with the Internet are manipulated to yield a desired result—a result that overrides the routine and conventional sequence of events ordinarily triggered by the click of a hyperlink.” *DDR*, 773 F.3d at 1257. In particular, claim 1 recites that in response to the request (e.g., the click of a hyperlink) for a network resource (e.g. a web page), a new network resource is created combining the requested network resource with pertinent advertising, and a new shortened URL is created that addresses (resolves to) the new network resource. Thus, “the limitations of the claims, taken individually, recite generic computer, network and Internet components, none of which is inventive by itself,” but “an inventive concept can be found in the non-conventional and non-generic arrangement of known, conventional pieces.” *BASCOM Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349–50 (Fed. Cir.

2016). Furthermore, claim 1 does not attempt preempt every way of automating the combination of advertising into a network resource, rather claim 1 “recite[s] a specific way to automate the creation of a composite web page.” *DDR*, 773 F.3d at 1259. Therefore, claim 1 includes “additional features” that ensure the claims are “more than a drafting effort designed to monopolize [an abstract idea].” *Alice*, 134 S. Ct. at 2357.

We are persuaded of error in the rejection of claim 1 under 35 U.S.C. § 101. Accordingly, we do not sustain the rejection under 35 U.S.C. § 101, of claim 1 and claims 2, 3, 5–8, 10, 12–20, 22, and 24–26, which were rejected on the same basis as claim 1.

#### REJECTIONS UNDER § 103(a)

##### *Claim 1*

Appellant contends that Galai teaches displaying relevant advertising together with a requested web page and Sarukkai teaches inclusion of advertising in pre-existing web pages. Br. 14 (citing Galai ¶ 86; Sarukkai ¶ 61). Appellant contends that although both Lee and Sarukkai teach shortening URLs, in both cases the shortened URL addresses the same network resource as the original longer URL. Br. 15 (citing Sarukkai ¶ 0070).

Appellant contends as follows:

In the present claims, in contrast to the cited references, content is first retrieved from a first network resource stored on the “second server computer.” That content is then combined with relevant advertising content, and the resulting combination is stored in a location on the “at least one server computer” in the form of a second network resource. A shortened resource locator is then generated, where the shortened resource locator points to the second network resource. The “uniform resource locator”



and the “shortened resource locator,” therefore, resolve to different network resources stored on different server computers.

Br. 14. We do not agree that the second network resource is required to be stored on a different server computer from that on which the first network resource is stored. Claim 1 merely recites that the second network resource is stored “on a storage device *accessible to* said at least one server computer” (emphasis added). Appellant proffers no explanation as to why, for example, in Figure 9 of the Specification the storage of server 700/710 (i.e., the “second server computer” where the first network resource is stored) is not “accessible to” each of servers 700/720, 700/730, 700/740, 700/750, and 700/800 (i.e., the “at least one server computer”) by way of network 770. We do agree, however, that claim 1 recites that the first and second network resources are addressed (resolved to) by different URLs.

The Examiner responds that the use of different servers is not disclosed in Appellant’s Specification (Ans. 9, 11–12), which we found to be in error for the reasons discussed above. The Examiner further points to Galai’s teaching of returning the addresses of on-line advertisements with a requested web page, combined with Surakkai’s teaching of shortening a link and storing a mapping of the original link to the shortened link (Final Act 15–16 (citing Galai ¶¶ 84–86; Surakkai item 320) but does not explain how this teaches that the shortened URL resolves to the second network resource but not to the first network resource. The Examiner does not otherwise respond to Appellant’s contention that the references do not teach or suggest “said shortened resource locator not resolving to said first network resource.” *See generally* Ans. 7–12; *see also* Final Act. 4–6, 13–16.

Based on the record before us, we are constrained to conclude that the

Examiner has failed to establish that the combination of Galai, Lee, and Surakkai teach or suggest all of the limitations of claim 1. Accordingly, we do not sustain the rejections under 35 U.S.C. § 103(a) of claim 1 and claims 2, 3, 5–8, 10, and 12–14, which depend from claim 1.

*Claim 15*

Appellant makes substantially the same arguments for independent claim 15 as for claim 1. *Compare* Br. 15–16 (claim 15), *with id.* at 14–15 (claim 1). Appellant contends as follows:

In the present claims, in contrast to the cited references, content is first retrieved from a first network resource stored on the “second server computer.” That content is then combined with relevant advertising content, and the resulting combination is stored in a location on the “at least one server computer” in the form of a second network resource. A shortened resource locator is then generated, where the shortened resource locator points to the second network resource. The “uniform resource locator” and the “shortened resource locator,” therefore, resolve to different network resources stored on different server computers.

Br. 16. We are not persuaded of error.

As discussed above regarding claim 1, we conclude that the language of claim 15 reciting “storing, by at least one of said at least one server computer, said second network resource on a storage device *accessible to* said at least one server computer” (emphasis added) does not require that the second network resource be stored on a different server computer from that on which the first network resource is stored. Furthermore, unlike claim 1, claim 15 does not require that the shortened URL not resolve to the first network resource.

Therefore, because Appellant’s arguments are not consistent with the language of claim 15, we are unpersuaded of error in the rejection of claim

15. Accordingly, we sustain the rejections under 35 U.S.C. § 103(a) of independent claim 15 and claims 16–20, 22, and 24–26, which depend from claim 15 and were not separately argued with particularity.

### CONCLUSION

On the record before us, (1) the rejection under 35 U.S.C. § 112, first paragraph, of claims 1–3, 5–8, 10, 12–20, 22, and 24–26 is not sustained; (2) the rejection under 35 U.S.C. § 101 of claims 1–3, 5–8, 10, 12–20, 22, and 24–26 is not sustained; (3) the rejections under 35 U.S.C. § 103(a) of claim 1–3, 5–8, 10, and 12–14 are not sustained; and (4) the rejections under 35 U.S.C. § 103(a) of claims 15–20, 22, and 24–26 are sustained.

### DECISION

The decision of the Examiner to reject claims 15–20, 22, and 24–26 is affirmed.

The decision of the Examiner to reject claims 1–3, 5–8, 10, and 12–14 is reversed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1) (2014). *See* 37 C.F.R. §§ 41.50(f), 41.52(b).

### AFFIRMED-IN-PART